

**TOWN OF HOPKINTON**  
**BOARD OF SELECTMEN**  
**Meeting Date: February 28, 2006**  
**MINUTES**

**Members Present:** F. Eric Sonnett, Chairman; Leonard A. Holden, Vice-Chairman; Mary C. Pratt; Muriel E. Kramer; Ronald M. Clark

**Others Present:** HCAM Station: Beth Fennier; HopNews: Robert Falcione; Tyler David Wilson; Mr. and Mrs. Wilson and sons; Attorney Thomas Nealon; Conservation Commission: Robert Murphy, Chairman, and Jack Speranza, Vice-Chairman; Attorney Douglas Resnick; Michael Collins; Michael Carmody; Andre Griben; Charles Miller; David Quelle; Jeff Furber; Henry Kunicki; William McCarthy; Peter Ficarri, III; Michael Shepard, Director of Municipal Inspections; John T. Gaucher, DPW Director; Kevin Kohrt; Carol DeVeuve; Gail Clifford; Jeff Furber; Patrick and Kathy Whalen; Selectmen's Office Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant.

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**Meeting Opened/Pledge of Allegiance (Selectmen's Hearing Room)**

**7:00 p.m.** Mr. Sonnett, Chairman, opened the public session and invited everyone to stand for the Pledge of Allegiance.

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**Selectmen's minutes:**

**Vote:** Mr. Sonnett entertained a motion to approve the January 31, 2006 Selectmen's minutes. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

**Vote:** Mr. Sonnett entertained a motion to approve the February 14, 2006 Selectmen's minutes. **So moved Mr. Clark. Second Mrs. Kramer. Unanimously voted.**

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**Proclamation: Eagle Scout, Tyler David Wilson**

Mr. Sonnett read a Proclamation to honor, Tyler David Wilson, who completed all of the requirements for the rank of Eagle Scout., and who will be honored at St. Paul's Episcopal Church on Saturday, April 8, 2006 The Board congratulated Tyler and his family on his achievement. Mr. Holden noted what an accomplishment it is to have received this award as a High School sophomore, as most Eagle Scouts complete their projects as High School seniors. The Board will present the framed Proclamation to Tyler at the Court of Honor on April 8<sup>th</sup>.

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**Public Hearing: Pole Location (Verizon & Boston Edison)**

Mr. Sonnett read the public hearing notice upon the petition of Boston Edison Company and Verizon New England, Inc., for joint or identical locations for the erection or construction of poles to be owned and used in common by them and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across Mayhew Street, on the easterly sideline, approximately 1000 feet north of the intersection with Main Street, place new Pole No. 13. Mr. Sonnett read the abutters list, and asked if any abutters were present. Abutters, Debra Crawford and Nellie Crawford, were present.

**Vote:** Mr. Sonnett entertained a motion to open the public hearing. **So moved Mrs. Pratt. Second Mrs. Kramer. Unanimously voted.**

Mr. Gaucher gave an overview of the joint petition between Verizon and the Boston Edison of the above-referenced project. He said that he reviewed the plans and recommends approval of the petition with the following conditions: 1.) A permit to Excavate in the right of Way be applied for with the DPW; 2.) A Dig-Safe be applied for; 3.) The requirement of a Bond and Certificate of Insurance be placed on file with the DPW; 4.) Compliance with the DPW Road Opening Permit Policy. Abutter, Ms. Crawford, asked if a light would be placed on the pole. Mr. Gaucher responded that there is no plan at this time for the placement of a light. He added that residents typically request a light through the DPW. Mr. Sonnett recommended for the resident to send a letter to the DPW requesting the placement of a light on the pole. There were no other comments at this time.

**Vote:** Mr. Sonnett entertained a motion to close the public hearing. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

**Vote:** Mr. Sonnett entertained a motion to approve the petition as submitted with the conditions recommended by the DPW as follows: 1.) A permit to Excavate in the right of Way be applied for with the DPW; 2.) A Dig-Safe be applied for; 3.) The requirement of a Bond and Certificate of Insurance be placed on file with the DPW; 4.) Compliance with the DPW Road Opening Permit Policy. **So moved Mr. Holden. Second Mr. Clark. Unanimously voted.**

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**Senior Center Ground Lease Agreement w/Boston Edison: Attorney Thomas Nealon**

Attorney Nealon presented a proposed license agreement for the transmission of electricity to the new Senior Center building by and between the Town of Hopkinton and the Boston Edison Company. The Board had a discussion regarding Boston Edison's rights to install, repair, and maintain the transformer under the proposed agreement.

**Vote:** Mr. Sonnett entertained a motion to authorize the execution of the Senior Center Ground Lease Agreement, as submitted by and between the Town of Hopkinton and the Boston Edison. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

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**Public Hearing: Alteration of Premises (Cornell's Restaurant)**

Mr. Sonnett read the public hearing notice on the application of Cornell's, Inc. to alter the premises located at 229 Hayden Rowe Street to include an outdoor patio area of approximately 436 SF to be used as an area for consumption of food and alcohol. Mr. Sonnett read the abutter's list and noted that there were no abutters present.

**Vote:** Mr. Sonnett entertained a motion to open the public hearing. **So moved Mrs. Kramer. Second Mrs. Pratt. Unanimously voted.**

Attorney Douglas Resnick, representative for the current owner of Cornell's, Inc., reviewed the request to alter the premises to add a small outdoor patio area. He said that the request has been reviewed by the Board of Appeals, Department of Municipal Inspections, Police and Fire Departments. Mr. Sonnett noted that Police Chief Irvin has no objections other than the need for Cornell's employees to be present at all times, and/or to have the exit gate alarmed to prevent customers from going to their vehicles with alcoholic beverages. He also said that Fire Chief Daugherty submitted his recommendation that the area should not prevent the occupants of the building from being able to leave in the event of an emergency. Attorney Resnick agreed to place an alarm at the exit gate.

**Vote:** Mr. Sonnett entertained a motion to close the public hearing. **So moved Mrs. Kramer. Second Mr. Holden. Unanimously voted.**

**Vote:** Mr. Sonnett entertained a motion to approve the alterations as presented. **So moved Mrs. Pratt.**  
**Discussion:** Mr. Clark amended the motion to state with the recommendation from the Police and Fire Chiefs to place an alarm at the exit gate, and to ask for an inspection once the alarm is installed. Attorney Resnick agreed. **Mrs. Pratt seconded the amendment. Unanimously voted.**

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**Change of Manager (Woodville Rod & Gun Club, Inc.): Michael Collins**

Mr. Sonnett said that the Woodville Road & Gun Club submitted a Change of Manager application effective March 1<sup>st</sup>.

**Vote:** Mr. Sonnett entertained a motion to open the public hearing. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

Mr. Sonnett invited Michael Collins, the new manager, to present the change of manager application. Mr. Collins said that all would remain status quo at the Woodville Road & Gun Club that being ID checking. Mr. Collins spoke to the Alcoholic Beverages Control Commission (ABCC) concerning the issue that the change of manager is effective on March 1<sup>st</sup> and that technically the change has not been approved. He was informed that as of March 1<sup>st</sup>, the license is in “limbo” and the responsibility would fall on the club until it’s approved by the BoS and State. He said that the club could still operate with him as the manager until the license is approved. Mr. Sonnett asked if until the license is approved, would the Town be held liable should there be a liquor license offense. Mr. Kozak said that he would contact the ABCC regarding this question, but that he does not believe the Town would be held liable. It was noted that the application was in order.

**Vote:** Mr. Sonnett entertained a motion to close the public hearing. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

**Vote:** Mr. Sonnett entertained a motion to approve the Woodville Road & Gun Club’s Change of Manager application naming Michael Collins as the club’s new manager. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

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**Annual Town Meeting Articles: Dr. John Phelan, School Superintendent**

School Superintendent, Dr. John Phelan, reviewed the School Committee’s articles for the May 2006 Annual Town Meeting. Dr. Phelan said that School Committee’s funding request for the proposed article for the repairs and renovations of the Middle School is \$250,000. He added that the School Committee is scheduled to meet with the Appropriation Committee this Saturday, March 4<sup>th</sup> to discuss the funding for other School Committee articles.

***ARTICLE:*** *To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to obtain plans, designs, cost estimates, and bid documents, as well as to provide for the acquisition of all materials, equipment, and services necessary or appropriate for the repair, maintenance, renovation and improvement of school buildings and grounds; said sum to be used in conjunction with any federal and state grants, aid or loans which may be available for such purposes; and further to authorize the School Committee to apply for, accept, and expend any and all federal and state grants, aid or loans which may be available for such purposes; and to authorize the School Committee to take all other action and to execute any and all documents necessary or appropriate to carry out the purposes of this article. Sponsor: School Committee*

***ARTICLE:*** *To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to obtain plans, designs, cost estimates, and bid documents, as well as to provide for the acquisition of all materials, equipment, and services necessary or appropriate for the repair, maintenance, renovation and improvement of the Middle School; said sum to be used in conjunction with any federal and state grants, aid or loans which may be available for such purposes; and further to authorize the School*

Committee to apply for, accept, and expend any and all federal and state grants, aid or loans which may be available for such purposes; and to authorize the School Committee to take all other action and to execute any and all documents necessary or appropriate to carry out the purposes of this article. **Sponsor: School Committee (\$250,000)**

**ARTICLE:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of acquiring equipment and related accessories to maintain the School Department's buildings and grounds. **Sponsor: School Committee**

**ARTICLE:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the acquisition of new computers and related accessories in the schools to update classroom, laboratory, and/or library technologies and for the purpose of acquiring networking and telecommunications equipment at both the school and district levels. **Sponsor: School Committee**

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**Annual Town Meeting Articles: John T. Gaucher, DPW Director**

Mr. Gaucher reviewed the following DPW's proposed capital articles for the Annual Town meeting warrant. There was some discussion regarding the \$1.95M for the SRF funding which Mr. Gaucher said was a State Revolving Fund program for the purpose of completing Phase VI of the Town's sewer project.

**ARTICLE XX:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to pay a prior year's bill to NStar Gas. **Sponsor: Department of Public Works (\$765.52)**

**ARTICLE XX:** To see if the town will vote to appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purchase of a 6-wheel dump truck with plow and necessary equipment and accessories for the Highway Division of the Department of Public Works. This vote shall also authorize the disposal of one 19XX Int'l dump truck, presently being used by the Department of Public Works, by trade in or otherwise; and for the purchase of a 1-ton dump truck with plow and necessary equipment and accessories for the Highway Division of the Department of Public Works. This vote shall also authorize the disposal of one 1997 Ford 1-ton dump truck with plow, presently being used by the Department of Public Works, by trade in or otherwise. **Sponsor: Department of Public Works (\$215,000)**

**ARTICLE XX:** To see if the town will vote to raise and appropriate the sum of \$1,950,000 under the SRF funding program. **Sponsor: Department of Public Works (\$1,950,000)**

**ARTICLE XX:** To see if the town will vote to raise and appropriate the sum of \$400,000 from the enterprise fund for the purpose of replacing and upgrading water mains, services, fire hydrants and other appurtenances on West Main Street from Wood street to Lumber Street and Spring Street from Wood Street to Pond Street. **Sponsor: Department of Public Works (\$400,000)**

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**Conservation Commission Budget: Robert Murphy, Chairman**

Mr. Sonnett asked Robert Murphy, Chairman of the Conservation Commission, to talk about the Commission's budget shortfall. Mr. Murphy said that the Commission reviewed its financial accounts and is aware of shortfall revenues of approximately \$8,000 to \$10,000 as a result of current and anticipated ongoing legal expenses. Mr. Murphy provided a spreadsheet of outstanding invoices and available funds and an overview of legal costs (see attachment). Mr. Murphy said that there has been a drop in submittal of filings which has affected the budget deficit. Mr. Sonnett stated a concern about the approval of legal assistance in reference to the chart of legal costs. Mr. Kozak said that he would research the legal assistance requests for each litigation case, and would meet with the Conservation Administrator to help in clarifying each case's background. Mr. Clark also recommended for Mr. Murphy to contact the Personnel Committee to review the Conservation Scientist's position and whether it should be as a Town's employee or remain as a consultant. Mr. Murphy agreed.

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**Conservation Commission Interviews: (2 vacancies; terms to '06 & '07): 1.) Michael Carmody; 2.) Andre Griben; 3.) Charles Miller; 4.) David Quelle; 5.) Craig Nation**

Mr. Sonnett invited each candidate to give an overview of their backgrounds and state why they would like to serve on the Conservation Commission. The candidates, Michael Carmody, Andre Griben, Charles Miller, David Quelle, and Craig Nation all talked about their experience and stated that they have the time to serve and their willingness to attend optional training.

Mr. Sonnett accepted nominations for each vacancy.

**Nominations for the term to 2007:**

Mr. Clark nominated Michael Carmody. **Second Mrs. Pratt.**

Mrs. Kramer nominated David Quelle. **Second Mrs. Pratt.**

**Votes:**

Michael Carmody: Mr. Sonnett: yes; Mr. Holden: yes; Mr. Clark: yes; Mrs. Pratt: yes; Mrs. Kramer: no. **So voted.**

**Mr. Carmody received the appointment to the Conservation Commission with a term to 2007.**

**Nominations for the term to 2006:**

Mr. Clark suggested extending the 2006 term for another three years to 2009.

Mrs. Kramer nominated all four (4) candidates: David Quelle, Andre Griben, Charles Miller and Craig Nation. **Second Mrs. Pratt.**

**Votes:**

Craig Nation: Mr. Sonnett: yes; Mr. Holden: yes; Mr. Clark: yes.

Andre Griben: Mrs. Pratt: yes.

David Quelle: Mrs. Kramer: yes.

Charles Miller: Mr. Miller did not receive any votes.

**Mr. Nation received the appointment to the Conservation Commission with a term to 2009.**

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**Community Preservation Committee (CPC) (one vacancy; term to 2006): 1.) Jeff Furber; 2.) Henry Kunicki**

Mr. Furber stated his interest to serve on the Community Preservation Committee and gave an overview of his background. He said that he presently serves on the Trails Committee and the Hopkinton Area Land Trust (HALT). He believes his willingness to contribute when serving on a Committee and listening skills would be an asset to the CPC. Mr. Furber also stated that he has the time to serve.

Mr. Kunicki stated his interest to serve on the CPC and gave an overview of his background. He said that he had previously served on the Finance Committee and presently serves on the Board of Appeals. Mr. Kunicki stated that he has no agenda in wanting to serve on the CPC, and believes that he would like to contribute to finding the best way to use the CPC funding. He said that he has the time to serve.

The Board agreed to extend the CPA's vacancy's term which expires on June 30, 2006 for an extra term of three (3) years to 2009.

Mr. Sonnett asked for nominations.

**Nominations:**

Mrs. Kramer nominated Jeff Furber. **Second Mrs. Pratt.**

Mr. Clark nominated Henry Kunicki. **Second Mr. Holden.**

**Votes:**

1. Mr. Furber: Mrs. Pratt: yes; Mrs. Kramer: yes.
2. Mr. Kunicki: Mr. Sonnett: yes; Mr. Holden: yes; Mr. Clark: yes.

Mr. Kunicki is appointed to the Community Preservation Committee for a term to 2009.

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**Board of Appeals (Associate) (one vacancy; term to 2006): 1.) William McCarthy; 2.) Peter Ficarri (see attachments)**

Mr. McCarthy expressed his interest to serve on the Board of Appeals, and gave an overview of his background including experience as a lawyer and previous membership on the Board of Appeals in Southborough. Mr. McCarthy stated that the Zoning Bylaws need to be enforced. Mr. McCarthy said that he has the time to serve.

Mr. Ficarri said that he is interested in serving on the Board of Appeals, and believes his experience in property management, home building and remodeling would be an asset to the Board. Mr. Ficarri stated that the Zoning Bylaws need to be enforced, but amendments could be considered. He said that he has the time to serve.

The Board agreed to extend this vacancy's term beyond the unexpired term to 2006 for another five (5) years to 2011. Mr. Sonnett asked for nominations.

**Nominations:**

Mrs. Pratt nominated William McCarthy. **Second Mrs. Kramer.**  
Mr. Clark nominated Mr. Ficarri. **Second Mr. Holden.**

**Votes:**

1. Mr. McCarthy: Mr. Sonnett: no; Mr. Holden: no; Mr. Clark: no; Mrs. Pratt: yes; Mrs. Kramer: yes.
2. Mr. Ficarri: Mr. Sonnett: yes; Mr. Holden: yes; Mr. Clark: yes; Mrs. Pratt: no; Mrs. Kramer: no.

Mr. Ficarri is appointed to the Board of Appeals as an Associate member with a term to 2011.

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**Liaison Reports**

Mr. Holden said that he has been attending the Library Trustees meetings. He added that he and Mrs. Kramer are working on the Committee Handbook.

Mrs. Kramer gave an overview of the Youth Commission's activities. She also said that on March 30 the Appropriation Committee is holding a public forum at The First Congregational Church to discuss the Town's budget. Mrs. Kramer said that there is a mock budget exercise that is available at various locations in the Town. The Board requested to place the information that Mrs. Kramer stated on the Town's website. Mrs. Kramer also mentioned a public hearing on March 13 that is being held by the Planning Board to review Town Meeting zoning articles.

**Readout Mail**

1. Mr. Sonnett read a letter from Henry Danis, Town Administrator for the Town of Westborough, of the Town of Westborough's Board of Selectmen's, acting as the Water Commissioners for the Town of Westborough, vote to allow the properties located at 407 and 409 Wood Street in Hopkinton to tie into the Town of Westborough's water system. The Board asked to send a memo to Hopkinton's Board of Health to offer assistance if further steps are needed to implement this offer from the Town of Westborough.

2. Mr. Sonnett read a letter from the Department of Conservation and Recreation of its partnership with the Hopkinton Trails Club (HTC) and its appreciation of all that HTC brings to the park community and its trails.
  3. Mr. Sonnett read a letter from the Department of Environmental Protection informing the Town of its award of a Municipal Waste Reduction Grant valued at \$2,388 and that entitles the Town to receive fifty (50) wheeled recycling carts.
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**Gift in memory of James Keefe**

Mr. Sonnett read a memo from the Hopkinton Police Department of a check for \$25.00 received from Mr. and Mrs. Russell Greve made in memory of Jim Keefe. The memo noted that the donation was deposited into Account #356 (gift/safety/Phil Fund).

**Vote:** Mr. Sonnett entertained a motion to accept the donation of \$25.00 from Mr. and Mrs. Russell Greve made in memory of Jim Keefe. **So moved Mrs. Kramer. Second Mrs. Pratt. Unanimously voted.**

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**Legal Assistance Request: Planning Board**

Mr. Sonnett read a legal assistance request from the Planning Board for four (4) hours of Town Counsel's opinion of articles submitted by the Planning Board for the Annual Town Meeting warrant. The request noted that Town Counsel's review of articles is an annual request by the Planning Board in preparation of the Annual Town Meeting.

**Vote:** Mr. Sonnett entertained a motion to approve the legal assistance request from the Planning Board for up to four (4) hours of Town Counsel's opinion of articles submitted by the Planning Board for the Annual Town Meeting warrant. **So moved Mrs. Kramer. Second Mr. Holden. Unanimously voted.**

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**Public Meeting Adjourned:**

**9:55 p.m. Vote:** Mr. Sonnett entertained a motion to adjourn the public meeting. **So moved Mr. Clark. Second Mrs. Kramer. Unanimously voted.**

Respectfully submitted,  
Geri Holland  
Executive Assistant  
Date Approved: 3/28/06